

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
COLUMBIA DIVISION**

MIKEL CREWS, )  
                  )  
Plaintiff,     )  
                  )  
v.               ) Civil No. 1:07-0075  
                  ) Judge Trauger  
MIKE BOTTOMS, )  
                  )  
Defendant.     )

**O R D E R**

Mikel Crews, the *pro se* plaintiff, has filed a “Response to Various Motions, Memorandums and Orders Received on April 24, 2008, From The United States District Court, Middle District of Tennessee.” (Docket No. 48) The court will attempt to deal with the various issues raised in this lengthy document.

First, this case was appropriately assigned to the Columbia Division of this court by the Clerk because both parties reside in that district. However, if neither party insists upon a trial in Columbia or, if a party does request a trial in Columbia and there is a good reason to deny that request, the trial may take place in Nashville, despite the appropriate assignment of the case to the Columbia Division.

Mr. Crews makes clear that his Motion For Emergency Hearing (Docket No. 33) was addressed to the Sixth Circuit Court of Appeals, not this court, and that, therefore, the Magistrate Judge was in error to deny this request. Regardless of the court to whom this request was addressed, the Sixth Circuit Court of Appeals has now denied the emergency hearing (Docket No. 50), so the plaintiff’s complaint about the Magistrate Judge’s action is now moot.

Mr. Crews alleges that his Motion For Default Judgment (Docket No. 37) was improperly denied (Docket No. 38). This denial was appropriate, in that the defendant had filed a Motion to Dismiss (Docket No. 24) on March 18, 2008. Mr. Crews takes issue with the fact that the certificate of service on the defendant's Motion to Dismiss does not contain a date. He is correct that the certificate of service does not contain a date, and it should have. However, the Motion to Dismiss will be considered by the court, and the failure of the certificate of service to include a mailing date is not a sufficient ground to disregard it entirely and grant the plaintiff's Motion For Default.

The plaintiff has filed a Motion For Permission to Electronically File Documents (Docket No. 49), and the court has confirmed that Mr. Crews, a friend, Cheryl J. "C.J." Todd, and the plaintiff's mother attended ECF training on June 5, 2008. Based upon conversations with the person who conducted the training class, the plaintiff's motion is hereby **GRANTED** as to the plaintiff and Cheryl J. "C.J." Todd, but not as to his mother, Marion Crews. The plaintiff, and Ms. Todd on his behalf, are hereby **GRANTED PERMISSION** to electronically file documents, so long as they strictly adhere to Administrative Order No. 167 and do not otherwise abuse the privilege. Should they not strictly comply with Administrative Order No. 167, or should they otherwise abuse the privilege of electronic filing, that privilege will be withdrawn.

The plaintiff has been granted two extensions to respond to the Motion to Dismiss, the second of which expired on June 9, 2008 (Docket No. 45). Because the plaintiff did not have a clear understanding of the fact that he needed to timely respond to this motion, despite his filing a Notice of Appeal, the court is willing to grant one last extension for the plaintiff to respond substantively to the Motion to Dismiss. It is hereby **ORDERED** that the plaintiff shall file a

substantive, comprehensive response to the Motion to Dismiss (Docket No. 24) by July 3, 2008.

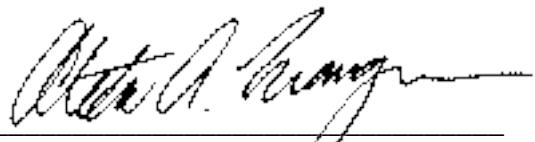
**The plaintiff is advised that failure to timely respond to this motion may result in its being granted.**

The plaintiff's continuing request that Magistrate Judge Griffin and United States District Aleta Trauger recuse themselves from this case "based on their extreme prejudice against the Plaintiff" (Docket No. 48 at 9) is **DENIED**.

This case is **REFERRED** back to Magistrate Judge Griffin for further handling under the original referral Order.

It is so **ORDERED**.

Enter this 17<sup>th</sup> day of June 2008.



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ALETA A. TRAUGER  
United States District Judge